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10/706,617	11/12/2003	Shinya Wada	SCEP 20.732 (100809-00225	5866

26304 7590 04/19/2007	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP	TIMBLIN, ROBERT M	
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NEW YORK, NY 10022-2585	ART UNIT	PAPER NUMBER
	2167	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/706,617	WADA, SHINYA
	Examiner	Art Unit	
	Robert M. Timblin	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

- A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
    - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
    - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
    - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 January 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16 and 20-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16 and 20-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070405

DETAILED ACTION

This office action corresponds to application 10/706,617 filed 11/12/2003.

Response to Amendment

Claims 17-19 have been cancelled. Claims 23-25 have been newly added. Accordingly, claims 1-16 and 20-25 are now pending in this application.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 2002-328853 filed November 12, 2002.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/3/2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Claim Objections

Claim 9 has been amended to overcome the outstanding objection. Therefore, the objection has been removed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 recites the limitation "the one of the files" in the amended portion submitted 1/23/2007. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the phrase "adapted to" suggests making optional the attribute input unit instead of being required to perform the claimed functionality. Changing "adapted to" to "configured to" may overcome the rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki et al. (Aoki) (U.S. Patent 6,253,218).

With respect to claim 23, Aoki teaches a file processing apparatus, including;

an attribute input unit (102) adapted to acquire a value of an attribute for at least one file in order to represent the value of the attribute by using a concept of density (as thickness; col. 10, line 10, col. 11 line 24-27, col. 24 lines 16-20 and figures 8, 46, 47, and density; col. 20, line 30-45 and line 55-65);

a comparison processing unit which compares the value of the attribute with a reference value (embodiment 1, column 9);

a position determining unit (106) which sets, based on a result obtained from said comparison processing unit (embodiment 1, column 9), a relative display position of a predetermined object representing the at least one file, the relative display position representing the value of the attribute in terms of the density (figure 44, 47, reference 208 and col. 21 lines 16-22) in comparison with the reference value (col. 9 lines 15-20); and

a display processing unit (107) adapted to visually represent the predetermined object in the relative display position by displaying the object at the relative display position on a screen (col. 9 lines 23-25).

With respect to claim 24, Aoki teaches a method of processing files, including:

acquiring values of a predetermined attribute for a plurality of intended files (102, detecting characteristics) in order to represent the values of a predetermined attribute therefor by using a concept of density (as thickness; col. 10, line 10, col. 11 line 24-27, col. 24 lines 16-20 and figures 8, 46, 47, and density; col. 20, line 30-45 and line 55-65);

setting, for each of the plurality of files, a relative display position of a predetermined

object that represents symbolically the files in terms of whether the density thereof is high or

low, based on a value of the predetermined attribute (figure 44, 47, reference 208 and col. 21

lines 16-22); and

displaying the objects representing the plurality of files at the respective display positions

on a screen, and expressing visually a comparison of the density of the objects with

each other object (col. 9 lines 23-25 and figures 46-47).

With respect to claim 25, Aoki teaches a computer-readable recording medium which

stores a program executable by a computer, the program including the functions of:

acquiring values of a predetermined attribute for a plurality of intended files (102,

detecting characteristics) in order to represent the values of the predetermined attribute therefor

by using a concept of density (as thickness; col. 10, line 10, col. 11 line 24-27, col. 24 lines 16-

20 and figures 8, 46, 47, and density; col. 20, line 30-45 and line 55-65);

setting, for each of the plurality of files, a relative display position of a predetermined

object representing symbolically the files in terms of whether the density thereof is high or low,

based on the values of the predetermined attribute (figure 44, 47, reference 208 and col. 21 lines

16-22); and

displaying on a screen the objects of the plurality of files at the respective display

positions, and expressing visually comparison of the density of the objects with each other object

(col. 9 lines 23-25 and figures 46-47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-6, 9-10, 12-14, and 16-22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Aoki et al. (Aoki) (U.S. Patent 6,253,218) in view of Rosenzweig et al.

(Rosenzweig) (U.S. Patent Application 2002/0075322).

With respect to claim 1, Aoki teaches in at least embodiment 1 (starting line 30 of

column 8) and figures 1-13 a file processing apparatus, including:

an attribute input unit (102) which acquires a value of an attribute for at least one file in

order to represent a value of a predetermined attribute for an intended file (as a data

characteristics detecting section 102 that corresponds to the attribute input unit col. 8 lines 46-50

and figure 1, 108);

a comparison processing unit which compares the value of an attribute with a reference

value as data characteristics detecting section extracts attribute values of data from database,

such as the date of creation and the data model generating section generates a 3-D data model

according to the extracted attribute values of the data. The data model placing section calculates

a display position of the 3-D data model on the 3-D coordinate space and 3-D data model set at a

position, which visually represents the attribute such as the data of generation of the data

(embodiment 1, column 9). By these teachings, a comparison had to have been made of the date

of creation of the data with the date represented by the original point in the 3-D space for

determining the display position.

a position determining unit (106) which sets, based on a result obtained from said

comparison processing unit, a relative display position of a predetermined object as the data

model placing section 106 places the data model in accordance with the date of creation (col. 9

lines 15-20); and

a display processing unit (107) which visually represents the value of the attribute, by

displaying the object at the display position on a screen set by said position determining unit as

the display section outputs the placing result (col. 9 lines 23-25).

Aoki fails to expressly teach the concept of weight and furthermore determining the

concept of weight such that an object appears "light" or "heavy."

Rosenzweig, however, teaches this concept of weight such that an object appears "light"

or "heavy" as can be seen in figures 1-9 and the summary of invention. Therein image files are

processed and the metadata of these files are decoded. A result of this process is a first plurality

of icons that are proportionately sized to correspond to the number of pictures captured during a

given time (paragraph 0007). The size of the first plurality of icons depicts the size of an image

file (an thus if the file is "heavy" or "light").

It would have been obvious to one of ordinary skill in the data processing art at the time

of the present invention to combine the teachings of the cited references because the teachings of

Rosenzweig would have given Aoki's invention a concept of weight to determine a display

pattern (the need described by Aoki in col. 9 lines 5-10). Furthermore Rosenzweig's invention

enables Aoki's system to visually depict the size (i.e. "heaviness") of files so that the user can easily manage or retrieve the information they need (col. 2 lines 14-16, Aoki).

With respect to claim 3, Aoki teaches a file processing apparatus according to claim 1, wherein said attribute input unit acquires values of the attribute for a plurality of files (detecting data , said comparison processing unit sets a value of an attribute for at least one of the plurality of files to the reference value, said position determining unit sets relative display positions of a plurality of objects corresponding to the plurality of files, respectively, and wherein said display processing unit displays the plurality of files at the respective display positions and visually represents the comparison of weights of the files via another object representative of the measurement of the weights (col. 9, lines 1-10 and figures 1-2) Therein data characteristics and data attributes are detected. After, a 3-D data model is determined by the obtained information.

With respect to claim 4, Aoki teaches a file processing apparatus according to claim 3 wherein said comparison processing unit sets, as the reference value, a size of a storage area that stores at least one file, said position determining unit sets a relative display position of an object indicative of the storage area according to the size of the storage area, and wherein said display processing unit visually expresses the comparison of data size between the at least one file and the storage area via the another object. As seen in embodiment 1 starting in column 8 and specifically in col. 9 lines 5-15 as a display pattern is based upon data characteristics which correlate to reference values.

With respect to claim 5, Aoki teaches a file processing apparatus according to claim 1, wherein said attribute input unit acquires values of an attribute for a plurality of files and said comparison processing unit classifies the plurality of files into a plurality of groups according to the respective values of the attribute, and wherein said display processing unit displays the object in an appearance corresponding to the respective groups as categories (col. 9 line 20).

With respect to claim 6, Aoki teaches a file processing apparatus according to claim 1, wherein said attribute input unit acquires values of an attribute for a plurality of files (col. 9 lines 5-10), said comparison processing unit classifies the plurality of files into a plurality of classes and sequentially compares the values of an attribute for each class (col. 9 line 20), wherein, after relative display positions are temporarily determined respectively as positions that initially display objects for the plurality of files (figure 2), said position determining unit sequentially updates the relative display positions in a manner such that comparison results for each class are reflected for each class, and wherein said display processing unit varies the display of the objects according to said updating after the plurality of files are displayed at the temporally determined relative display positions (taught at least by embodiment 15 in column 26 and figure 83).

With respect to claim 9, Aoki teaches a file processing apparatus according to claim 1 further including:

an instruction receiving unit which receive an instruction from a user intending to change the display position of the object as an input section (108 of figure 1); and

an effect generator which causes, based on the instruction, said position determining unit and said display processing unit to process a change in any of position, shape and appearance of the object as a viewpoint changing section (109 of figure 1).

With respect to claim 10 Aoki teaches a method of processing files, including:

setting a relative display position of a predetermined object that symbolically represents the files in terms of whether the weight thereof is heavy or light, based on a value of a predetermined attribute for an intended file, in order to represent the value of a predetermined attribute therefor by using a concept of weight (col. 9 lines 15-20); and

representing visually the weight by displaying the object at the relative display position on a screen (col. 9 lines 23-25).

Aoki does not expressly teach representing files in terms of whether the weight thereof is heavy or light by using a concept of weight.

Rosenzweig, however, teaches this concept of weight such that an object appears "light" or "heavy" as can be seen in figures 1-9 and the summary of invention. Therein image files are processed and the metadata of these files are decoded. A result of this process is a first plurality of icons that are proportionately sized to correspond to the number of pictures captured during a given time (paragraph 0007). The size of the first plurality of icons depicts the size of an image file (an thus if the file is "heavy" or "light").

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Rosenzweig would have given Aoki's invention a concept of weight to determine a display

pattern (the need described by Aoki in col. 9 lines 5-10). Furthermore Rosenzweig's invention

enables Aoki's system to visually depict the size (i.e. "heaviness") of files so that the user can

easily manage or retrieve the information they need (col. 2 lines 14-16, Aoki).

With respect to claim 12, Aoki and Rosenzweig in combination teach the limitations of

this claim, as they are substantially similar to those of claims 1 and 10 above. Accordingly these

features have been disclosed by the applied references and therefore are rejected for the same

reasons

With respect to claim 13, Aoki teaches a method of processing files according to claim

12, wherein said acquiring further acquires a size of a storage area that stores at least one file

(col. 9 lines 5-10), and said setting sets the relative display position of at least one object

corresponding to the at least one file, based on a comparison result obtained by comparing a data

size between the at least one object and the storage area (embodiment 1, column 9), and wherein

said displaying and expressing represents visually the comparison result via the another object

(display section 107).

With respect to claim 14, Aoki teaches a method of processing files, including:

acquiring values of a predetermined attribute for a plurality of files, in order to represent

the values of a predetermined attribute for intended (col. 8 lines 46-50 and figure 1, 108, 102);

setting a temporary sequence for the plurality of files (figure 2 and col. 9 lines 1-20; 3-D

model);

determining, based on the temporary sequence, a temporary display position of a

predetermined object that symbolically represents the files in terms of whether the weight thereof

is heavy or light;

displaying an object that corresponds to the plurality of files, at the temporary display

position on a screen (figure 2, 202, 203);

comparing the values of a predetermined attribute between adjacent files in the temporary

sequence (embodiment 1, column 9);

updating the display position based on a comparison result obtained from said comparing

(col.34 lines 9-20); and

representing visually the weight thereof by varying display contents according to said

updating as a display pattern determined based on size (col. 9 lines 8-10).

Aoki fails to expressly teach the concept of weight and furthermore determining the

concept of weight such that an object appears "light" or "heavy."

Rosenzweig, however, teaches this concept of weight such that an object appears "light"

or "heavy" as can be seen in figures 1-9 and the summary of invention. Therein image files are

processed and the metadata of these files are decoded. A result of this process is a first plurality

of icons that are proportionately sized to correspond to the number of pictures captured during a

given time (paragraph 0007). The size of the first plurality of icons depicts the size of an image

file (an thus if the file is "heavy" or "light").

It would have been obvious to one of ordinary skill in the data processing art at the time

of the present invention to combine the teachings of the cited references because the teachings of

Rosenzweig would have given Aoki's invention a concept of weight to determine a display

pattern (the need described by Aoki in col. 9 lines 5-10). Furthermore Rosenzweig's invention enables Aoki's system to visually depict the size (i.e. "heaviness") of files so that the user can easily manage or retrieve the information they need (col. 2 lines 14-16, Aoki).

With respect to claim 16, Aoki teaches a method of processing files according to claim 10, further including: acquiring an instruction from a user who intends to cause a display position of the object to be changed; and changing at least one of position, shape and appearance of the object, based on the instruction. This limitation is taught by Aoki wherein a user inputs a command for changing the view by means of the input section (embodiment 1, column 9).

With respect to claim 17, this claim is essentially the same as claims 1 and 10 except for claiming a product of manufacture rather than an apparatus. Accordingly this claim is rejected for the same reasons as claims 1 and 10 in view of the combination of Aoki and Rosenzweig.

With respect to claims 18-22, these claims contain similar limitations to independent claims 1, 10, 12, 14, and 17 above and are rejected for the same reasons in view of the combination of Aoki and Rosenzweig.

Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki and Rosenzweig as applied to claims 1, 3-6, 9-10, 12-14, and 16-22 above further in view of Vaananen et al. (Vaananen hereinafter) U.S. Patent Application 2002/0175896 A1.

With respect to claim 2 and similar claim 11, Aoki and Rosenzweig fail to teach a file processing apparatus according further including an inclination detector which detects inclination of a predetermined region in the file processing apparatus operated by a user, wherein according to the inclination detected by said inclination detector said position determining unit varies the relative display position.

Vaananen, however, teaches this limitation as element 50 of figures 2 and 5 and paragraph 0078. Therein an accelerator sensor is disclosed to measure tilting movements.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Vaananen would have provided Aoki-Rosenzweig's system with the ability to vary a relative display position to obtain an easier to use user interface. Vaananen suggests in paragraph 0009 a need for a less "slow and awkward" method of data browsing. Aoki suggests in column 2, lines 2-4 a need to be able to access and manage data in a straightforward manner.

Claims 7, 8 , and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Aoki and Rosenzweig as applied to claims 1, 3-6, 9-10, 12-14, and 16-22 above further in view of Adler et al ("Adler" hereinafter) U.S. Patent 6,340,957.

With respect to claim 7 and similar claims 8 and 15, Aoki and Rosenzweig teach a file processing apparatus as applied to claims 1, 3-6, 9-10, 12-14, and 16-22 above.

Aoki and Rosenzweig fail to teach a file processing apparatus further including a vibration detector which detects a swaying motion at a predetermined region of the file

processing apparatus operated by a user, wherein said comparison processing unit performs a comparison processing when the motion is detected, and said position determining unit updates the relative display position according to the result obtained from said comparison processing unit.

Adler, however, teaches these limitations from at least (col. 15 lines 15-22). Therein displayed data is manipulated according to vibration for accessing and managing data in a straightforward manner.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because this feature of Adler would have satisfied Aoki-Rosenzweig's need for accessing and managing data in a straightforward manner which is needed by Aoki (column 2 line 12-17 and column 12 lines 15-23).

Response to Arguments

Applicant's arguments filed 1/23/2007 have been fully considered but they are not persuasive.

On page 12 of the response, Applicant argues that Rosenzweig does not disclose visually representing the value of the attribute in terms of whether the weight is heavy or light. The Examiner respectfully disagrees given the following:

In Rosenzweig, figures 1-9, a timeline is displayed containing icons of varying sizes to depict the corresponding number of pictures taken at that time interval. These icons are formed by decoding metadata stored in the image files and then being sized by the number of pictures taken at that interval (0007, Rosenzweig). Therefore, the bigger the icon at a given interval, the

more pictures there are taken at that time. In this interpretation, the icon is seen to represent symbolically the weight (i.e. more pictures create a bigger icon, and in effect, symbolize it to be "heavier"). Given this concept of weight, Aoki could use it in the generation of a 3-D model, which can be determined based on data identifier size (Aoki at col. 9 line 5-10) making it easier for a user to recognize the information they need (Aoki at col. 2 line 1-5).

Applicant further argues in the next paragraph of page 12 that there is no indication of a relative position of a predetermined object that represents symbolically the weight. The Examiner respectfully disagrees as Aoki teaches a 3-D data model whose display pattern is determined based on the data identifier size (col. 9 line 5-10). This teaching indicates to the Examiner a relative display position based on size (i.e. equivalent to weight).

Applicant argues on page 15 of the response in regards to claims 23-25 that neither of the reference teach the concept of density. The Examiner respectfully disagrees as Aoki teaches "a concept of density" as seen in the rejection above. Also, as the Applicant submits that the concept of density is a substitute for the concept of weight (lines 6-7 on page 15 of response). As seen above Aoki teaches the claimed "concept of density" and further may accordingly teach the concept of weight (i.e. density suggests weight). Further arguments to these claims are moot based on the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert M. Timblin

Patent Examiner AU 2167
4/5/2007

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